

# CLAIMS RESOLUTION TRIBUNAL

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In re Holocaust Victim Assets Litigation  
Case No. CV96-4849

## **Certified Award**

to the Estate of Claimant [REDACTED 1]<sup>1</sup>  
represented by Stephen M. Harnik

and to Claimant [REDACTED 2]  
also acting on behalf of [REDACTED 3]

## **in re Accounts of Marianne Schlesinger and Accounts of the Estate of Fanny Schlesinger**

Claim Numbers: 500965/AK/AC; 500998/AK/AC; 500999/AK/AC; 501576/AK/AC

Award Amount: 567,671.25 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Ernst Geiringer and Clara Geiringer.<sup>2</sup> This Award is to the published accounts of the Estate of Fanny Schlesinger (“Account Owner Fanny Schlesinger”) and to the published accounts of Marianne Schlesinger (“Account Owner Marianne Schlesinger”) (together “the Account Owners”), over which Fritz Schlesinger and Ernst Geiringer held power of attorney, at the Zurich branch of the [REDACTED] (the “Bank”).<sup>3</sup>

All awards are published, but where claimants have requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owners, and the bank have been redacted.

## **Information Provided by the Claimants**

### Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted two Claim Forms identifying Account Owner Marianne Schlesinger as his great-aunt, Marianne Geiringer, and [REDACTED] as his paternal

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<sup>1</sup> Claimant [REDACTED 1]’s son, [REDACTED], and Claimant [REDACTED 2] informed the CRT that Claimant [REDACTED 1] died on 9 July 2004 and forwarded a copy of her will and death certificate to the CRT.

<sup>2</sup> The CRT awarded the accounts of Clara Geiringer and Ernst Geiringer to the Claimants in a separate decision. See *In re Accounts of Clara Geiringer and Ernst Geiringer* (approved on 11 April 2005).

<sup>3</sup> The CRT uses official exchange rates when making currency conversions.

grandfather, Dr. [REDACTED]. In a telephone conversation with the CRT on 30 December 2004, Claimant [REDACTED 2] stated that Marianne Geiringer and [REDACTED] were siblings, and that he does not remember whether Marianne Geiringer was married. Claimant [REDACTED 2] stated that his grandfather, [REDACTED], was born on 6 March 1888 to [REDACTED] and [REDACTED], and that the family, who were Jewish, resided in Vienna in the 1930s. Claimant [REDACTED 2] stated that his grandfather was married to [REDACTED], née [REDACTED], who was born on 1 February 1890, and that they had two children: Claimant [REDACTED 1] and Claimant [REDACTED 2]'s father, [REDACTED] (formerly [REDACTED]). Claimant [REDACTED 2] stated that his grandfather fled Austria shortly after the incorporation of Austria into the Reich in March 1938 (the "*Anschluss*") and that he died in Larchmont, New York, the United States in 1956.

In support of his claims, Claimant [REDACTED 2] submitted his own birth certificate, indicating that he was born on 17 June 1947 in New York, to [REDACTED] and [REDACTED 3], who were both born in Austria. Claimant [REDACTED 2] is representing his mother, [REDACTED 3], née [REDACTED], who was born on 28 February 1918 in Vienna.

#### Claimant [REDACTED 1]

Claimant [REDACTED 1], who is Claimant [REDACTED 2]'s paternal aunt, submitted two Claim Forms identifying Account Owner Marianne Schlesinger as her aunt, Marianne Geiringer, who was born in Vienna, and [REDACTED] as her father, Dr. [REDACTED], who was born on 6 March 1888, also in Vienna.

Claimant [REDACTED 1] indicated that her father, whose family was Jewish, resided in Vienna until 1938, when he fled to London, England, and eventually emigrated to the United States. Claimant [REDACTED 1] indicated that her father was married to [REDACTED], née [REDACTED], who was born on 1 February 1890, and that they had two children, Claimant [REDACTED 1] and [REDACTED] (also known as [REDACTED]). Claimant [REDACTED 1] stated that her father died in the United States in 1956, that her mother died in July 1981, also in the United States, and that her brother, [REDACTED], died in 1980 in England. Claimant [REDACTED 1] indicated that her aunt died in approximately 1960 without any children.

In support of her claims, Claimant [REDACTED 1] submitted excerpts of records obtained from the Austrian State Archive (Archive of the Republic, Finance), concerning the assets of Dr. [REDACTED], which are described in detail below. Additionally, Claimant [REDACTED 1]'s son, [REDACTED], submitted copies of Claimant [REDACTED 1]'s Austrian passport, and birth and death certificates, indicating she was born on 14 February 1913 in Vienna, that her parents were [REDACTED] and [REDACTED] of Austria, and that she died on 9 July 2004 in Lenox, Massachusetts, the United States.

#### **Information Available in the Bank's Records**

The Bank's records consist of customer cards, power of attorney forms, correspondence, documents relating to an inheritance procedure, internal memoranda, a list of custody accounts

of the Bank's Austrian clients, and printouts from the Bank's database. Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about these accounts ("Voluntary Assistance"). The Bank provided the CRT with additional documents consisting of a second list of closed custody accounts owned by Austrian clients, a customer card, a custody account opening contract, and a power of attorney form.

According to these records, Account Owner Fanny Schlesinger was the estate of Fanny Schlesinger, née Kuffner, who died on 11 August 1932. The Bank's records indicate that the beneficiaries of Account Owner Fanny Schlesinger were Fanny Schlesinger's children: [REDACTED], née [REDACTED], who was married to Dr. [REDACTED]; [REDACTED], née [REDACTED], who was widowed; and [REDACTED], who was married to Marianne Schlesinger.<sup>4</sup> The Bank's records further indicate that Account Owner Marianne Schlesinger was [REDACTED]'s wife, Marianne Schlesinger, née Geiringer. The Bank's records indicate that Account Owner Marianne Schlesinger and [REDACTED] resided at Theresianumgasse 5 in Vienna, Austria, and that [REDACTED] resided at Mozartgasse 4 in Vienna.

#### Account Owner Marianne Schlesinger

According to the Bank's records, Account Owner Marianne Schlesinger owned a custody account, numbered 25426, which was opened in 1927, and a demand deposit account. The Bank's records indicate that Account Owner Marianne Schlesinger granted power of attorney over her accounts to her brother, Ernst Geiringer, on 8 January 1928, and that this power of attorney was revoked on 8 December 1928. The Bank's records further indicate that Account Owner Marianne Schlesinger granted another power of attorney to Fritz Schlesinger on 12 January 1929.

The Bank's records indicate that Account Owner Marianne Schlesinger ordered the Bank in a letter dated 3 August 1938 to transfer the securities contained in her custody account to the account of *Österreichische Creditanstalt – Wiener Bankverein* ("ÖCWB") for her credit and to confirm the execution of the order to her, through her lawyer Dr. Leonhard Weinmann, and to ÖCWB. According to this letter, Account Owner Marianne Schlesinger held the following securities in her custody account:

- *7% Internat. G. Loan Austrian Government 1930/1937, American Issue* bonds with a nominal value of 900.00 United States Dollars ("US \$");
- *4% Bonds National Government Argentine* bonds with a nominal value of US \$500.00;
- 200 preference shares A-B in *Société Nationale des Chemins de fer Belges*;
- 10 common shares in *Kennecott Copper Corp.* (with Dutch certificates);
- shares in *Malayam Plantations Ltd.* with a nominal value of 100.0.0 Pound Sterling ("£").

According to the Bank's records, the securities contained in the custody account, with a total market value of 24,500.00 Swiss Francs ("SF"), were transferred on 10 August 1938 to ÖCWB.

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<sup>4</sup> The CRT notes that [REDACTED] was the widow of the poet and writer [REDACTED].

These records indicate that the custody account was closed on 19 August 1938. According to these records, the demand deposit account was closed on 5 April 1939. The Bank's records do not show a balance of the demand deposit account. There is no evidence in the Bank's records that Account Owner Marianne Schlesinger, [REDACTED], or their heirs closed the accounts and received the proceeds themselves.

#### Account Owner Fanny Schlesinger

According to the Bank's records, Account Owner Fanny Schlesinger owned a custody account, numbered 36319, and a demand deposit account.

The Bank's records contain a letter dated 3 August 1938, indicating that Dr. Leonhard Weinmann, a lawyer acting on behalf of the Account Owner's beneficiaries, requested the Bank to send the securities from the custody account to the account of *ÖCWB* for the credit of Account Owner Fanny Schlesinger. In this letter, Dr. Weinmann indicated that not all beneficiaries of Account Owner Fanny Schlesinger could sign the letter, as [REDACTED] was incarcerated. The letter was signed by Dr. Weinmann, Account Owner Marianne Schlesinger, and [REDACTED]'s husband, [REDACTED]. The Bank replied to Dr. Weinmann on 6 August 1938 explaining that a power of attorney in his favor needed to be signed by all beneficiaries of Account Owner Fanny Schlesinger. On 8 August 1938, Dr. Weinmann wrote to the Bank that it was very difficult to contact [REDACTED], and requested that the Bank inform him in whose name the accounts were held and who was authorized to dispose of the accounts. Dr. Weinmann explained that [REDACTED] administered Account Owner Fanny Schlesinger's accounts, and that the remaining beneficiaries of Account Owner Fanny Schlesinger knew little about them. The Bank's records indicate that the Bank replied to Dr. Weinmann's letter on 12 August 1938, but the text of the response is not available.

The Bank's records also contain a letter dated 21 August 1938 from [REDACTED], in which she ordered the Bank to transfer securities contained in the custody account to the account of *ÖCWB* for the credit of Account Owner Fanny Schlesinger. In the same letter, [REDACTED] ordered the Bank to transfer SF 153.00 from the demand deposit account to an account at the *Reichsbankdirektorium* for the credit of herself, [REDACTED], and Fritz Schlesinger. According to this letter, the custody account contained the following securities:

- 4% Gold bonds Kingdom of Denmark with a nominal value of US \$1,000.00;
- 4 ½% *Electricité et Gaz du Nord* bonds with a nominal value of 10,000.00 French Francs ("FF");
- 4% *Schwedische Staatsanleihe* bonds with a nominal value of 2,000.00 Swedish Crowns ("SK");
- 7% *Intern. Anl. Republik Österreich 1930* with a nominal value of 4,300.00 Austrian Schillings ("ATS").

The Bank's records indicate that on 27 August 1938, the securities contained in the custody account, with a total market value of SF 8,000.00, were transferred to *ÖCWB*. The customer card indicates that the custody account and the demand deposit account were closed on 31 August 1938.

Moreover, the Bank's records indicate that Account Owner Marianne Schlesinger contacted the Bank in September 1940 in order to have the proceeds of the accounts belonging to Account Owner Fanny Schlesinger transferred to one of her New York accounts. In a letter dated 7 October 1940, the Bank answered Account Owner Marianne Schlesinger's New York representative that, pursuant to the orders of [REDACTED], the custody account had been transferred in August 1938 to an account *ÖCWB* for the credit of Account Owner Fanny Schlesinger, and that the demand deposit account had been transferred in September 1938 to Account Owner Fanny Schlesinger's representative in Vienna, Dr. Leonhard Weinmann, with a balance of SF 120.00.

There is no evidence in the Bank's records that the beneficiaries of Account Owner Fanny Schlesinger, or their heirs closed the accounts and received the proceeds themselves.

### **Information Available from the Austrian State Archive**

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Marianne Schlesinger, [REDACTED], and [REDACTED].

#### Marianne Schlesinger

The file concerning the assets of Marianne Schlesinger, née Geiringer, numbered 32712, indicates that she was born on 28 August 1891 in Weikersdorf, Austria, that she was married to Dr. [REDACTED], and that she resided at Theresianumgasse 5 in Vienna. The records indicate her husband died on 30 December 1938. The records further indicate that Marianne Schlesinger immigrated to New York on 20 January 1939. According to these records, Marianne Schlesinger and her husband paid flight tax (*Reichsfluchtsteuer*) of 25,675.00 Reichsmark ("RM"). The records indicate that on 26 August 1941, the Gestapo issued an order to confiscate all of Marianne Schlesinger's remaining assets.

While the 1938 Census records make no mention of assets held in a Swiss bank account, they indicate that Marianne Schlesinger reported the securities that were held in her custody account at the Bank without indicating where they were deposited. In a letter, dated 15 December 1938, Marianne Schlesinger reported that these securities had been sold, and that the proceeds from the sale amounted to RM 16,021.47.

#### [REDACTED]

The file concerning the assets of Dr. [REDACTED], numbered 32760, indicates that he was born on 1 November 1883, that he was married to Marianne Schlesinger, née Geiringer, and that they resided at Theresianumgasse 5 in Vienna. The records indicate that [REDACTED], who was the former director of a company called *Elin A.G.*, was entitled to inherit one-third of the estate of

Fanny Schlesinger. The records further indicate that [REDACTED] died before 1940, and that his wife, Marianne Schlesinger, who resided in New York in 1940, was his sole heir.

While these records make no mention of a Swiss bank account, they indicate that [REDACTED] reported the securities held by Account Owner Fanny Schlesinger, at one third of their nominal value, without indicating where they were deposited. The securities listed in the Bank's correspondence as being held in the custody account are listed as well in [REDACTED]'s 1938 Census declaration and are shown at the same values as detailed in [REDACTED]'s declaration, which is described below. [REDACTED] reported in a letter, dated 15 December 1938, that all reported securities, including those held by him outright and those of which he was part-owner, except of a few specified ones, had been sold.

### [REDACTED]

The file concerning the assets of [REDACTED], numbered 32777, indicates that she was born on 31 October 1884, that he was married to Dr. [REDACTED], and that they resided at Rathausstrasse 7 in Vienna. The records indicate that she later resided in Le Lavandou, France. The records further indicate that [REDACTED] declared that she was entitled to inherit one-third of the account of the estate of Fanny Schlesinger at the Zurich branch of the Bank. These records indicate that this account contained the following securities as of 27 April 1938:

- *4 1/2% 34 year Gold Bonds Kingdom of Denmark 1962* bonds with a nominal value of US \$1,000.00 and a market value of US \$951.25;
- *4% Schwed. Staatsanl. 1930* bonds with a nominal value of SK 2,000.00 and a market value of SK 2,125.00;
- *4 1/2% Obl. Electricité et Gaz du Nord 1930* bonds with a nominal value of FF 10,000.00 and a market value of FF 6,050.00
- *7% Int. Bundesanl. 1930 öst. Tranche* bonds with a nominal value of 4,300.00 Gold schilling ("GS"), which, at GS 100.00 = ATS 128.00, was equivalent to ATS 5,504.00.

These records further indicate that the Estate of Fanny Schlesinger also owned a demand deposit account at the Bank. [REDACTED] indicated that she was also entitled to one-third of this demand deposit account, which she indicated had a balance of SF 280.20 as of 27 April 1938.

## **The CRT's Analysis**

### Joinder of Claims

According to Article 37(1) of the Rules, claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the four claims of the Claimants in one proceeding.

### Identification of the Account Owners

The Claimants, who are related, have plausibly identified Account Owner Marianne Schlesinger and her brother. Claimant [REDACTED 1]'s aunt's and Claimant [REDACTED 2]'s great-aunt's name and city and country of residence match the published name and city and country of residence of Account Owner Marianne Schlesinger. The Claimants also identified the unpublished maiden name of Account Owner Marianne Schlesinger.

In support of his claim, Claimant [REDACTED 1] submitted the 1938 Census records filed by [REDACTED], indicating that he was the son of [REDACTED] and that he resided in Vienna. Additionally, [REDACTED], Claimant [REDACTED 1]'s son, submitted Claimant [REDACTED 1]'s birth and death certificates, which indicate that Claimant [REDACTED 1]'s father was [REDACTED] of Austria. These documents provide independent verification that the Claimants' relative had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of Account Owner Marianne Schlesinger's brother.

### Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that Account Owner Marianne Schlesinger and her brother were Victims of Nazi Persecution. The Claimants stated that their relatives were Jewish, and that Account Owner Marianne Schlesinger and her brother fled Austria after the *Anschluss*. The CRT notes that, according to records from the Austrian State Archive, Account Owner Marianne Schlesinger's husband, [REDACTED], was imprisoned by the Nazis. The CRT also notes that Account Owner Marianne Schlesinger and her brother, as well as other beneficiaries of the Estate of Fanny Schlesinger, were required to register their assets pursuant to the 1938 Census.

### The Claimants' Relationship to the Account Owners

The Claimants have plausibly demonstrated that they are related to Account Owner Marianne Schlesinger and her brother by submitting specific information and documents, demonstrating that Account Owner Marianne Schlesinger was Claimant [REDACTED 1]'s aunt and Claimant [REDACTED 2]'s great-aunt, and that Account Owner Marianne Schlesinger's brother was Claimant [REDACTED 1]'s father and Claimant [REDACTED 2]'s grandfather. These documents include Claimant [REDACTED 1]'s birth and death certificates, indicating that her parents were [REDACTED] and [REDACTED].

The CRT notes that the 1938 Census records indicate that Account Owner Marianne Schlesinger was married to [REDACTED], and that the Bank's records indicate that [REDACTED], [REDACTED], and [REDACTED] were the children of Fanny Schlesinger and beneficiaries of her Estate, so that by plausibly demonstrating that they are related to Account Owner Marianne Schlesinger, the Claimants have also plausibly demonstrated that they are related to [REDACTED], [REDACTED], [REDACTED], and Fanny Schlesinger.

The CRT further notes that Claimant [REDACTED 2] identified unpublished information about Account Owner Marianne Schlesinger and her brother as contained in the Bank's records. There

is no information to indicate that the Account Owners and the beneficiaries of Account Owner Fanny Schlesinger have surviving heirs other than the party represented by Claimant [REDACTED 2].

#### The Issue of Who Received the Proceeds

In this case, Account Owner Marie Schlesinger owned one custody account that was closed on 19 August 1938 and whose assets were transferred to the *ÖCWB* and one demand deposit account that was closed on 5 April 1939. Account Owner Estate of Fanny Schlesinger owned one custody account whose assets were transferred to the *ÖCWB* and one demand deposit account, both of which were closed on 31 August 1938.

The facts of this case are similar to other cases that have come before the CRT in which Jewish residents and/or nationals of the Reich reported their assets in the 1938 Census, and, subsequently, their accounts are closed unknown to whom or are transferred to banks in the Reich. Given that the CRT's precedent indicates that it is plausible in such situations that the proceeds of the accounts ultimately were confiscated by the Nazi regime; that Account Owner Marianne Schlesinger reported her assets in the 1938 Census; that Account Owner Marianne Schlesinger lived in Austria until her emigration to the United States, and therefore could not have repatriated the accounts without losing ultimate control over their proceeds; that Account Owner Marianne Schlesinger's husband, [REDACTED], was incarcerated by the Nazis and died on 30 December 1938; that [REDACTED] reported the accounts in the 1938 Census; and that the Account Owners could not have repatriated the accounts without losing ultimate control over its proceeds; and given the application of Presumptions (a), (d), (h), and (j) as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners or their heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

#### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that Account Owner Marianne Schlesinger was her aunt, Claimant [REDACTED 2] has plausibly demonstrated that Account Owner Marianne Schlesinger was his great-aunt, and the Bank's records indicate that [REDACTED] was Account Owner Marianne Schlesinger's husband, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Further, the CRT notes that Claimant [REDACTED 2], as Account Owner Marianne Schlesinger's and [REDACTED]'s grandnephew, and Claimant [REDACTED 1], as Account Owner Marianne Schlesinger's and [REDACTED]'s niece, have a better entitlement to the accounts than represented party [REDACTED 3], who is only related to Account Owner Marianne Schlesinger and [REDACTED] by marriage.

## Amount of the Award

### *Accounts of Marianne Schlesinger*

The Bank's records indicate that Account Owner Marianne Schlesinger held one custody account and one demand deposit account. The Bank's records do not indicate a value for the demand deposit account.

As for the custody account, the Bank's records indicate that the value of the account as of 10 August 1938 was SF 24,500.00, and the 1938 Census records indicate that the proceeds of the subsequent sale of the securities from the custody account amounted to RM 16,021.47 which was equivalent of SF 28,133.70.<sup>3</sup> The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an award amount of SF 351,671.25 for this account.

As for the demand deposit account, pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was SF 2,140.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an award amount of SF 26,750.00 for this account.

### *Accounts of the Estate of Fanny Schlesinger*

The Bank's records indicate that Account Owner Fanny Schlesinger held one custody account and one demand deposit account. According to the Guideline for the Valuation of Securities, circulated by Special Master Helen B. Junz, the CRT values bonds at the higher of market and nominal value, provided that the bonds were not in default. If the bonds are in default, they are valued at market price. Thus, the bonds held in the custody account and listed in both [REDACTED]'s and [REDACTED]'s 1938 Census declaration shall be valued as follows:

- *4 1/2% 34 year Gold Bonds Kingdom of Denmark 1962* bonds with a market quotation of 95.125 percent and which were in good standing, with a nominal value of US \$1,000.00, which at the time was equivalent to SF 4,370.00;
- *4% Schwed. Staatsanl. 1930* bonds with a market value of 106.25 percent, equal to SK 2,125.00, which at the time was equivalent to SF 2,339.41;
- *4 1/2% Obl. Electricité et Gaz du Nord 1930* bonds with a nominal value of FF 10,000.00, which at the time was equivalent to SF 1,256.00;
- *7% Int. Bundesanl. 1930 öst. Tranche* bonds with a nominal value of GS 4,300.00, , which was equal to ATS 5,504.00,<sup>5</sup> which at the time was equivalent to SF 4,486.86.

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<sup>5</sup> The CRT notes that in the correspondence with the Bank noted above, the heirs to the Estate of Fanny Schlesinger stated that this bond had a nominal value of ATS 4,300.00. In their 1938 Census declarations, however, both

These bonds were in default and had a market value of 33.50 percent, for a total of SF 1,503.10.

Thus, the combined value of the bonds held in Account Owner Fanny Schlesinger's custody account as of 27 April 1938 was SF 9,468.51. Further, [REDACTED]'s 1938 Census declaration indicates that the value of the demand deposit account as of 27 April 1938 was SF 280.20.

The CRT determines that it is unable to rely on the values declared in the 1938 Census as it has no evidence regarding the circumstances of the declaration. The CRT notes that, as evidenced in a number of cases, [REDACTED] may not have declared all of the assets, or understated their value, in the belief that this might help safeguard some of them. Pursuant to Article 29 of the Rules, if the amount in a custody account is less than SF 13,000.00, and if the amount in a deposit account is less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the custody account shall be determined to be SF 13,000.00, and the amount in the demand deposit account shall be determined to be SF 2,140.00. In this case, the CRT does not find that the value of the account indicated in [REDACTED]'s 1938 Census declaration constitutes plausible evidence to the contrary sufficient to rebut the presumption of Article 29 of the Rules, and concludes that the value of Account Owner Fanny Schlesinger's custody account shall be determined to be SF 13,000.00, and that the value of the demand deposit account shall be determined to be SF 2,140.00, for a combined value of SF 15,140.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an amount of SF 189,250.00 for these accounts.

Consequently, the total award amount is SF 567,671.25.

#### Division of the Award

With respect to the accounts of Account Owner Fanny Schlesinger, according to Article 23(1)(g) of the Rules, if none of the persons entitled to an award pursuant to Article 23(1)(a)-(f) of the Rules has submitted a claim, the CRT may make an award to any relative of the Account Owner, whether by blood or by marriage, who has submitted a claim, consistent with principles of fairness and equity. [REDACTED] is Claimant [REDACTED 1]'s uncle by marriage and Claimant [REDACTED 2]'s great-uncle by marriage.

With respect to the accounts of Account Owner Marianne Schlesinger, according to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. Claimant [REDACTED 1] is Account Owner Marianne Schlesinger's niece, and Claimant [REDACTED 2] is Account Owner Marianne Schlesinger's great-nephew. Thus, the Claimants are descendants of Account Owner Marianne Schlesinger's parents.

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[REDACTED] and [REDACTED] specify that the bond was issued in Gold schilling. The CRT has taken this later specification as its valuation basis.

Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 2] are each entitled to one-half of the total award amount. As noted above, represented party [REDACTED 3], who is only related to Account Owner Marianne Schlesinger and [REDACTED] by marriage, is not entitled to share in the award.

### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

### **Certification of the Award**

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal  
23 June 2006